ORIGINAL

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

* * * * *

ROBERT SCOTLUND VAILE,

Appellant,

vs.

CISILIE A. PORSBOLL F/K/A CISILIE A. VAILE,

Respondent.

S.C. NO. 61415
D.C. NO: 98-D-230385-D

FILED

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BY
CHIEF DEPUTY CLERK

ROBERT SCOTLUND VAILE,

Appellant,

vs.

CISILIE A. PORSBOLL F/K/A CISILIE A. VAILE,

Respondent.

S.C. NO. 62797

RESPONDENT'S DIRECTED RESPONSE

I. INTRODUCTION

This action and Appeal arise from a divorce action that *pro se* Appellant Robert Scotlund Vaile (Scotlund) filed in 1998 and has vexatiously litigated these past 17 years. The current appeal – the most recent of over 20 that he has filed – arises solely from the district court decision that a Norway administrative welfare order issued during the years the Nevada proceedings were ongoing did not modify the Nevada child support order and was not the "controlling order" under UIFSA and American law. He also appeals from the resulting district court orders regarding the child

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support owed, and he purports to challenge all attorney's fees awarded against him for the past two decades.

Since November, 2000, Scotlund has filed, or caused to be filed, thirteen separate unsuccessful appeals or writs in the Nevada Supreme Court, one in the Federal District Court of Nevada, two in the Ninth Circuit Court of Appeals, two in the Texas Appellate Courts, one in the California Bankruptcy Court, and two in the California Appellate Courts; he has now commenced proceedings in Kansas.[1]

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[1] *Vaile v. Eighth Judicial District court*, (2002) 118 Nev. 262, 44 P.3d 506 (holding that the kidnapped children were to be returned to their mother in Norway); *Vaile v. Porsboll, et al.*, United States Supreme Court (rejecting Scotlund's attack on this Court's *Opinion* requiring return of the children); *Vaile v. Vaile*, Case No. D 230385 (finding that as of July 24, 2003, Scotlund owes $116,732.09 for the attorney's fees incurred in recovering the children by Nevada counsel, and as of October 9, 2008, Scotlund owes the sum of $118,369.96, in principal, and $45,089.27 in interest for a total of $163,459.23 in child support arrears that Scotlund has refused to pay since the kidnaping, plus penalties); *In re Kaia Louise Vaile and Kamilla Jane Vaile*, No. 2000-61344–393, District court of Denton County, Texas 393rd Judicial District (finding as of April 17, 2002, Scotlund owes attorney's fees of $20,359 with interest at 10% per annum, compounded annually, travel expenses of $25,060, with interest at 10% per year compounded annually, and an award for $81 for costs of court with interest at 10% per annum, compounded annually, for fees incurred in recovering the children by Texas counsel); *Vaile, Cisilie A. v. Vaile, Robert, Scotlund*, No. 00-3031 A/64, Oslo District court, dated February 6, 2003, confirming Cisilie's custody of the children and entitlement to payment of child support; *Vaile v. Vaile et al.*, No. CV-S-02-0706-RLH-RJJ (*Judgment* dated March 13, 2006, holding Scotlund liable for $450,000 in combined damages in favor of Cisilie A. Porsboll, Kaia Louise Vaile, and Kamilla Jane Vaile, for injury, pain and suffering, and $100,000 in punitive damages); *Vaile v. Vaile, et al.*, No. 06-15731, Ninth Circuit Court of Appeals (rejecting Scotlund's attacks on the tort suit judgment); *Vaile v. Porsboll*, Case No. 08-11135 & AP No. 10-01081, California Bankruptcy Court (stating that as a result of Scotlund's current wife's bankruptcy, "**Child Support may be collected from both Heather and Robert Vaile as permitted by state law.... As far as this court is concerned, the state family law court can lock Robert Vaile up and**

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Throughout, in Nevada and other jurisdictions, Scotlund has consistently lied to the courts and abused judicial process, starting with the original fraudulent divorce, exacerbated when he kidnaped his minor children from Europe and sequestered them in West Texas for two years, and compounded by falsehoods and evasion since that time; his misdeeds over the past decade and a half are too numerous to list summarily. The Nevada courts have patiently endured Scotlund's 17-plus years of vexatious litigation, but he remains defiant and undeterred.

His recent filings in Kansas are continued *pro se* actions attempting to avoid payment of any child support (or other sums) to his former spouse and to re-litigate this matter until he gets a ruling to his liking or those pursuing him give up.

In its 2012 *Opinion*, the Nevada Supreme Court reviewed all of the massive amount of litigation that transpired in Nevada, California, Texas, and Virginia over the prior decade plus, and required that the calculation of the child support be in accordance with the terms spelled out in the agreement entered in Nevada in 1998.[2]

In that same decision, the Supreme Court directed in a footnote that on remand the district court was to determine whether the Norwegian welfare determination was relevant in any way. The district court held several hearings and reviewed multiple briefs filed by both sides and issued a *Decision and Order* in July, 2012, finding that the Norwegian welfare determination was not a "child support modification order

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throw away the key, but it must be for failure to pay support and not failure to pay the federal tort judgment."); *Vaile v. Porsboll*, Case No. SFL49802, a non-noticed rogue default order currently on appeal before the Court of Appeal, First Appellate District in California, Case No. A140465; *Vaile v. Porsboll*, Case No. 2012-DM-000775, Scotlund's use of the rogue default order from California in Kansas, and attempting to block child support collection by its use.

[2] ROA, V20, pgs. 4222-4235, copy of the Remand from the Supreme Court of Nevada filed on January 26, 2012.

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comporting with the requirements of the Uniform Interstate Family Support Act (UIFSA)."[3]

Scotlund, unhappy with that decision, filed a *Petition for Writ of Mandamus* with the Nevada Supreme Court. The writ was denied.

In case 62797, Scotlund appeals the *Decision and Order on Attorney's Fees*,[4] and the *Order for Hearing Held January 22, 2013*,[5] arguing in part that he was not allowed to appear by telephone for the contempt hearing. Scotlund fails to note that neither he nor anyone else is permitted to appear by telephone for evidentiary hearings unless represented by local counsel.

As he has done throughout this case, Scotlund raises or invents irrelevancies in an effort to misdirect the Court's attention from the fact that he has gone forum shopping, has lied to all other courts, has ignored the orders of every court he has appeared before, and now defies the jurisdiction of ***this*** Court and the courts of Nevada in an attempt to avoid paying long overdue child support and fees.

Scotlund's alleged "facts" in his *Civil Proper Person Appeal Statement*, as well as in his *Opening Brief*, in case 61415, are, as usual, largely fabricated and have little to do with the issues actually before the court. The sheer number and magnitude of misrepresentations and falsehoods nearly defies description. "Incorrect" would be a woeful understatement. "Absurd" just does not seem adequate. And "fraudulent" – while fair and accurate – has already been sadly required to be over-used in this litigation.

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[3] ROA, V23, pgs.4875-4887, copy of the Nevada District court's *Decision and Order*, filed July 10, 2012.

[4] ROA, V24, pgs. 5254-5256, dated February 15, 2013.

[5] ROA, V24, pgs. 5262-5265, dated February 20, 2013.

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The cost of litigating this case has exceeded $600,000 in time incurred and costs. Attorney's fee awards already made against Scotlund in favor of Cisilie, plus interest, exceed $220,000. Scotlund has not paid a dime toward ***any*** of those awards imposed against him for the past two decades, despite consistently having a six-figure income.[6] No actual collection is expected until he is jailed.

Scotlund has essentially admitted that he attempts to maximize legal filings and procedures for the purpose of injuring this law firm by running up work for which our client cannot hope to pay, thus requiring us to pay for it – apparently his form of "revenge" for our having recovered the kidnaped children from him and returning them to their mother a decade and a half ago.

Scotlund has never voluntarily paid anything toward the more than ***$1,000,000*** awarded against him in child support arrearages, attorney's fee awards, and federal tort damage awards.

This *Response* follows.

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[6] ROA, V10, pgs. 2181-2187, Scotlund has submitted a *Financial Disclosure Form* in Nevada where he admits making over $120,000 a year, Case No. 98-D-230385, filed September 17, 2008.

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II. STATEMENT OF RELEVANT FACTS[7]

The underlying facts of this case – which could take up nearly 50% of the brief – are recited in *Vaile v. Eighth Judicial Dist. Court*[8] and *Vaile v. Porsboll*.[9] As a courtesy to the Court, only those facts from after the issuance of *Vaile v. Porsboll* and that relate directly to the matters on appeal will be provided, though the record includes the entire history of the case.

Upon the remand ordered in *Vaile v. Porsboll*, the district court held hearings on April 9 and June 4, 2012, on the issues of whether the Norwegian welfare determination had any effect on the controlling nature of the original Nevada Child Support Order, and on totaling accrued child support, interest, penalties, and

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[7] NRAP 28(b) provides that Respondent may provide a Statement of Facts if "dissatisfied" with that of the Appellant. The "Statement of Facts" in Scotlund's *Opening Brief* intermixes procedure, factual assertions (some accurate and some not), considerable argument, and proposed motivational explanations. For example, Scotlund's footnote (at 1) contends that "Eventual communications from the relevant Norwegian agency indicate that the order was sent to a previous invalid address for Vaile and then returned undelivered." This is not only the first time this has been heard in the 17 years this case has been in litigation, but Scotlund has never offered any proof of this new assertion anywhere. The *Opening Brief* references (at 2) Scotlund's unsupported assertion that Cisilie sought and was granted a modification (an increase) to the Norwegian welfare determination as if it was a factual finding, which it was not. It would take more space than we have to point out all such errors and fabrications; the Court is asked to instead refer to the facts recited in the published court decisions and opinions, those that are part of the record, and the recital in this *Responsive Brief* pursuant to NRAP 28(b).

[8] 118 Nev. 262, 44 P.3d 506 (2002).

[9] 128 Nev. ___, 268 P. 3d 1272 (Adv. Op. No. 3, Jan 26, 2012).

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attorney's fees. Both sides participated fully in those hearings, filing extensive briefings in support of their positions.[10]

On July 10, 2012, the district court issued its *Decision and Order*.[11] The district court found that Norway's administrative welfare process of setting a minimum child support sum was not and did not attempt to be a modification of the Nevada child support *Order*. The findings underlying that conclusion were that Scotlund had never sought modification of the Nevada order in Norway, and that the parties had never jointly filed a waiver in Nevada giving Norway jurisdiction to proceed with a modification, as would have been required by UIFSA for the Nevada order to be modified.

The *Decision and Order* computed child support and arrearages as required by the Nevada Supreme Court remand, determining that the child support calculation required Scotlund to pay nearly double that which had been ordered before the Supreme Court reversal and remand.[12]

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[10] The April 9, 2012, hearing was set as an *Order to Show Cause Hearing*. Contrary to Scotlund's current assertions, he was required to be present at that hearing. He has never been granted permission to attend an evidentiary hearing telephonically.

[11] ROA, V23, pgs. 4875-4887.

[12] The convoluted child support calculation was devised by Scotlund in 1998 and was included in the parties' *Decree of Divorce*. Scotlund's claims that Cisilie was not the prevailing party in the underlying *Orders* is incorrect, since he was found to owe child support as Cisilie sought; the Supreme Court simply found the district court's original calculation to be a prohibited "modification" of the sum actually due, and remanded for entry of a higher arrearage figure as called for by the 1998 *Decree*.

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Further, the district court restated its prior order requiring that any child support ***not*** collected by the District Attorney's office ***must*** be paid through the Willick Law Group offices.[13]

The district court deferred to the District Attorney's office to calculate penalties owed and stated that a further order would be issued stating the amount owed.

Lastly, the district court required the Willick Law Group to submit a *Memorandum of Fees and Costs* for the determination of attorney's fees as required by NRS 125B.140.[14]

On August 16, 2012, the Court entered an *Order* in accordance with NRS 125B.140, in the amount of $57,483.38.[15] An identical *Order* was inadvertently re-entered the following day (the orders were duplicative, not cumulative).

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[13] The district court had originally made this a requirement of Scotlund in an *Order* issued at a hearing on March 8, 2010, ROA, V18, pgs. 3925-3930. The court never rescinded this *Order*.

[14] NRS 125B.140(2)(c) states: The court ***shall*** determine and include in its order:

(1) Interest upon the arrearages at a rate established pursuant to NRS 99.040, from the time each amount became due; and

(2) A reasonable attorney's fee for the proceeding....

[Emphasis added.] *See also Edgington v. Edgington*, 119 Nev. 577, 80 P.3d 1282 (2003) (attorney's fee awards are mandatory where child support arrears are found, in the absence of an express finding that "the responsible parent would experience an undue hardship" by paying such fees).

[15] ROA, V23, pgs. 4967-4968.

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On August 17, the district court entered its *Order On Child Support Penalties*[16] as calculated by the District Attorney's Office, awarding $15,162.41 in mandatory child support arrearage penalties under NRS 125B.095.

On October 30, 2012, the district court via minute order[17] set a hearing on Cisilie's *Motion for An Order To Show Cause* for January 22, 2013.

Unhappy with the decisions being made in both the district court and Nevada Supreme Court, and while the case remained in full litigation in Nevada, Scotlund began making covert filings in California without service on Cisilie and obtained a rogue default order stating that the Norwegian welfare determination was the "controlling order." That default order was issued months after Nevada had already ruled that the Norwegian welfare determination was ***not*** controlling. Because Scotlund never told the California court about the Nevada proceedings, the court there never had a chance to note that the existing Nevada order on the same question was entitled to full faith and credit.[18]

Scotlund has used the rogue default order from California to block collection actions in his current home state of Kansas, telling the courts ***there*** that California and Nevada are "in conflict."

In Nevada, Scotlund waited nearly three months until the last possible moment before his contempt hearing – until January 15, 2013 – to file a spurious *Notice of*

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[16] ROA, V23, pgs. 4969-4970.

[17] ROA, V25.

[18] The California Order was issued on November 1, 2012, a full four months after the Nevada Order. When we found about it, we appealed that ruling through a special appearance seeking to set aside the rogue default order. Oral argument was held in the First District Court of Appeals on February 24, 2015. We expect a decision within 90 days.

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Intent to Appear By Telephone[19] in violation of Supreme Court Rule 4(2)(b)(2), which requires a litigant to appear at an evidentiary hearing where his testimony is required. We filed an objection the next day – January 16 – stating all of the reasons why Scotlund's "notice" should be denied.[20]

On January 17, the district court, via minute order,[21] denied Scotlund's notice requiring him to attend the hearing.[22] On January 18 – the Friday before a three-day weekend – Scotlund filed a motion requesting a continuance.[23] There was no time to file an opposition or for the district court to actually respond before the hearing set for January 22.

On January 22, the district court held the properly noticed *Order to Show Cause* hearing and Scotlund was defaulted for his refusal to appear. On February 15, the district court issued the resulting *Decision and Order on Attorney's Fees*,[24] and on February 20 issued its substantive *Order* from the hearing.[25]

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[19] ROA, V24, pgs. 5213-5214.

[20] ROA, V24, pgs. 5215-5219.

[21] ROA, V25.

[22] Contrary to Scotlund's contentions, he actually had some three months to arrange to attend the hearing. He only tried to use the telephonic appearance rules at the last moment to try to avoid being present and thus avoid the incarceration order he knew was coming for his contempt.

[23] ROA, V24, pgs. 5220-5224.

[24] ROA, V24, pgs. 5254-5256.

[25] ROA, V24, pgs. 5262-5265.

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III. UNDER THE FUGITIVE DISENTITLEMENT DOCTRINE, THIS BRIEF SHOULD NOT HAVE BEEN REQUIRED; PROSECUTION SHOULD BE DIRECTED

A formal bench warrant has issued against Scotlund for his many contemptuous acts and he is a fugitive from about a year of jail time as well as massive money judgments for non-support and failure to pay attorney's fees. An appropriate order in view of his open, direct, and adjudicated contempt for the district court (as well as the multiple other state and federal courts he has likewise abused) would have been to dismiss his appeals under the "fugitive disentitlement doctrine." For the reasons stated here, we ask for a fugitive disentitlement order to be entered as part of this Court's disposition of the matter.

In *Guerin v. Guerin*,[26] the Nevada Supreme Court concluded that it was within its discretion to dismiss a pending appeal based on the fact that Ms. Hill was a fugitive. The facts are not greatly different from those in this action. Ms. Hill had been ordered to transfer certain real estate to Mr. Guerin. She refused, and in an earlier round of appeals, the Nevada Supreme Court had upheld the contempt order.

On remand, the parties engaged in settlement negotiations, following which the trial court again ordered Ms. Hill to transfer the real estate, and to personally appear in court on a date certain to "demonstrate full compliance" with its orders.[27] She refused to comply, and the trial court held her in contempt.[28] Ms. Hill refused to appear at the later hearings, or to comply with the trial court's orders, but she appealed.

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[26] 116 Nev.210, 993 P.2d 1256 (2000).

[27] 116 Nev. at 212, 993 P.2d at 1257.

[28] At a later hearing, the trial court sentenced Ms. Hill to 30 days in jail, ruling that the contempt could be purged by compliance with its orders.

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On the basis of both state[29] and federal[30] authority, the Nevada Supreme Court held that an appellate court has the discretion to dismiss the appeal of a party who has been held in contempt and failed to appear, who still refused to obey the orders entered below while simultaneously seeking to appeal.[31]

The federal district court noted in ***its*** findings that Scotlund remains in contempt of its order to appear. The flouting of the authority of the federal district court – and the Nevada district court below – is at least as clear on the plain face of the record here as it was in *Guerin*. Scotlund repeatedly refused to appear, and is in open and admitted violation of the orders of the district court, ***multiple*** other State courts, the federal court, and the courts of Norway. But he insists that this Court hear his appeals anyway, taking up the resources of this Court (and at the expense of his former spouse and children, who he long ago abandoned without support).

Scotlund should not be permitted by this Court to proceed while in defiance of all existing orders. Scotlund falsified government records to fraudulently obtain passports, evaded child support payments while crossing state lines for a decade, and stands in open contempt of multiple court orders to pay support, fees, sanctions, and penalties totaling more than a million dollars. His contemptuous disregard for all such court orders "disentitles" him to seek further review while he remains in contempt.[32]

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[29] *Closset v. Closset*, 71 Nev. 80, 280 P.2d 290 (1955).

[30] *United States v. Barnette*, 129 F.3d 1179 (11th Cir. 1997).

[31] 116 Nev. at 213, 993 P.2d at 1258.

[32] *See Application of 'Fugitive Disentitlement Doctrine' to Civil Matters in State Cases*, 112 A.L.R. 5th 399 (2003).

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In passing, it is worth mentioning that the only reason Scotlund is not technically a ***criminal*** as well as civil "fugitive" from arrest is because the State and Federal bureaucracies charged with those prosecutions have never got around to charging him.[33]

As detailed in the orders entered below, Scotlund's child support arrears are twenty times more than the threshold for prosecution for felony non-support. As detailed in the 2002 and 2012 *Opinions* of the Nevada Supreme Court, and the extensive record of other actions since 1998 in this record, Scotlund is the most notorious kidnaper and child support scofflaw in the history of Nevada jurisprudence. As part of its resolution of this appeal, this Court should direct the district attorney's office to begin prosecution for felony non-support.[34]

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[33] The Passport Services Division of the Department of State never issued a decision after "considering" what to do about Scotlund's falsifying of replacement passport applications. The U.S. Attorney's Office never proceeded with prosecution of Scotlund for his violations of 18 U.S.C. § 228 (Federal Deadbeat Parent's Punishment Act), and the District Attorney's Office of Nevada has not yet initiated enforcement of the massive child support arrears through criminal prosecution, even though under NRS 201.020(2)(a), a person who knowingly fails to provide for the support of his child is guilty of a category C felony and is to be punished as provided in NRS 193.130 if his arrearages for nonpayment of child support totals more than $10,000. *See Sanders v. State*, 119 Nev. 135, 67 P.3d 323 (2003); *Sheriff v. Vlasak*, 111 Nev. 59, 888 P.2d 441 (1995); *Epp v. State*, 107 Nev. 510, 814 P.2d 1011 (1991) (all felony non-support cases, validating statute against constitutional attack, and affirming lengthy prison sentences for deadbeats that refuse to support their children).

[34] In the final footnote of the original 2002 *Opinion*, two justices of the Nevada Supreme Court "suggested" investigation and prosecution of Scotlund by the District Attorney; the authorities did nothing, encouraging him to engage in another 15 years of abusive litigation. This Court should act more forcefully at this juncture.

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IV. RESPONSIVE ARGUMENT

Responding to Scotlund's arguments chronologically:

A. The District Court *Did* Apply UIFSA in Determining the Controlling Order

One need only read the *Decision and Order*[35] of July 10, 2012, to see the full discussion of how and why the Court ruled (correctly) that the Norwegian welfare determination is not enforceable under UIFSA. Scotlund's circular reasoning, aided by his deliberately abbreviated and overly-selective extracts from the *Decision* attempts to make fun of the district court's logic. However, that ruling actually, clearly, and correctly analyzed and applied NRS 130 *et seq.*

To explain concisely: Under UIFSA, in order to seek a modification of the Nevada Child support order, ***Scotlund*** would have had to seek such modification where ***Cisilie*** resided – Norway.[36] **He never did so.**

Alternatively, ***if*** both Scotlund and Cisilie had filed written notices in Nevada asking Norway to take jurisdiction of the child support order, then Norway could have modified the Nevada order. That was never done either, by either party.[37]

Since the district court found that the Norwegian welfare determination did not comply with UIFSA, it was not a "competing order" under UIFSA and NRS 130.207 did and does not apply.

In short, the district court complied entirely with the direction on remand to determine whether there was any kind of child support proceeding in Norway and, if so, whether it had any effect on the controlling nature of the Nevada Order.

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[35] ROA, V23, pgs. 4875-4887.

[36] ROA, V23, district court's discussion at 4905-4907, and NRS 130.611(1)(a).

[37] ROA, V23, district court's discussion at 4906, and NRS 130.611(1)(b).

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Scotlund's arguments that the district court "dismissed the application of NRS 130.207" because the Nevada order and the Norwegian welfare determination were not issued "simultaneously" is a tortured reading of the *Decision* negated by the ***extensive*** discussion of the applicability of UIFSA in determining that the Norwegian welfare determination was and is irrelevant.

In a straw man argument, Scotlund asserts that Norway's mere failure to comply with Nevada law is not a defense to what he claims is the "controlling nature" of the Norwegian determination. Trying to limit the review of UIFSA to one state is one way Scotlund attempts to twist the law; we've seen this attempt from him many times.

UIFSA is a uniform law applicable to all states of the Union and is also to be applied to certain orders of recognized countries. Norway is such a recognized country and thus any order from there that attempts to modify a valid order issued in the United States must comply with the provisions of UIFSA to have any effect. As discussed above, the Norwegian welfare determination did not even purport to ***attempt*** to modify the existing Nevada child support order, but even if it had made such an attempt, the process by which it was entered did not comply with UIFSA and thus can't modify ***any*** order properly recognized under UIFSA.

Next, Scotlund attempts to argue "federal preemption" as a reason why the Norwegian determination should be considered enforceable. He is correct that Norway is a reciprocal state. ***If*** Norway had made the first (the "initial") child support determination, with jurisdiction to do so, American States would be required to recognize it as the initial controlling order. And any state that attempted to ***modify*** that order would have been required to follow the requirements of UIFSA for modification.

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But those are not the facts here. The ***Nevada*** order is the initial child support order, and Scotlund has made our argument for us. Since it is not contested that Nevada issued the first and legitimate child support order in 1998, Norway would have been required to follow the requirements of UIFSA if it ever attempted to modify that 1998 order years later. But it never made any such effort; the welfare office simply sought to establish an internal minimum welfare support number after the kidnaped children were recovered, returned to Norway, and the family sought welfare assistance. Scotlund's "preemption" argument holds no water.

Lastly, Scotlund argues that Norway followed UIFSA "***precisely***." Scotlund's attempt to argue that NRS 130.6115 allowed Norway to proceed again misrepresents the law in another bogus straw man argument.

In actuality, NRS 130.6115 applies when a state that has authority to modify a child support order refuses to or is restricted from doing so; then, another state may modify an existing child support order as long as ***that*** tribunal has personal jurisdiction over both parties.

Scotlund only discusses Nevada in his analysis of the modification of child support, and no one has ever contended that Nevada had jurisdiction to modify the original child support order from 1998.[38] The only two jurisdictions that ***could have had*** jurisdiction to modify the 1998 order at the time in question were California (if Cisilie moved for modification) and Norway (if Scotlund moved for modification).

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[38] Scotlund argues that we attempted to modify child support when we requested a sum certain be established for paying of his support. We never asked for a modification; our request was for a ***clarification*** of the existing child support order in a sum certain to allow for collection. It was the district court's method of doing so that was reversed and remanded for re-calculation in *Vaile v. Porsboll*, 128 Nev. ___, 268 P. 3d 1272 (Adv. Op. No. 3, Jan 26, 2012).

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For a court of either of those two places to obtain jurisdiction, the party seeking the modification ***MUST*** make the request in the other party's state.[39]

Scotlund ***never*** sought a modification in Norway and Cisilie ***never*** sought a modification in California. Because neither party sought any such modification, NRS 130.6115 is inapplicable as no state that could have done so ever "refused to modify the child support."

In short, the Norwegian welfare determination was not issued in conformity with UIFSA and the district court's finding that the welfare entry did not disturb the controlling nature of the Nevada child support order was correct.

The Nevada Supreme Court recently dealt with a situation similar to that posed by this case. In *Holdaway-Foster v. Brunell*[40] the Court reversed a district court finding that Nevada lacked jurisdiction to enforce a child support order issued in this State and instead honored a purported modification of the Nevada support order entered elsewhere.

Specifically, the case dealt with whether a Hawaii child support order purporting to modify an original Nevada order was valid, or if the Nevada order remained the controlling order. Nevada had jurisdiction over the subject matter and both parties when it issued the original order. When the father moved to Hawaii, the mother and children remained in Nevada, including the time during which the Hawaii court purported to modify the order.

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[39] NRS 130.611. This is known in UIFSA circles as the uniform requirement that anyone seeking modification is "required to play an away game" by filing for modification where the ***other party*** lives.

[40] *Holdaway-Foster v. Brunell*, 130 Nev. ___, ___ P.3d ___ (Adv. Opn. No. 51, June 26, 2014).

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Therefore, under UIFSA and the federal "full faith and credit for child support orders act," the Hawaii court could properly modify the Nevada order ***only*** if the mother and father had both filed written consents in Nevada to give Hawaii jurisdiction to do so.[41] Since neither party filed such a consent, Hawaii did not have jurisdiction to modify the 1989 Nevada child support order and the Hawaii court's orders were irrelevant and had no legal effect.[42]

In *Holdaway*, whether anyone objected to the irrelevant Hawaii proceeding was also irrelevant, because a challenge to a court's subject matter jurisdiction is not waivable, can be raised at any time, and may be reviewed *sua sponte* by an appellate court.[43]

B. "Estoppel" Is Inapplicable

Scotlund's entire estoppel argument is that Cisilie "sought a modification of child support in Norway" and thus could not enforce the existing order in Nevada.

Scotlund provides no evidence that Cisilie requested the Norwegian welfare determination and "sought modification of the Nevada Order in Norway," because no such thing ever happened.

As the record shows, once the kidnaped children were recovered from Scotlund and returned to Norway, the family applied for public assistance. The Norwegian Government – specifically its welfare division – sought restitution for support the

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[41] *See* 28 U.S.C. § 1738B(e)(2)(B), part of the Full Faith and Credit for Child Support Orders Act ("FFCCSOA").

[42] *See Swan v. Swan*, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990) (a ruling is void where the court lacks subject matter jurisdiction).

[43] *Id. See* 28 U.S.C. § 1738B(f)(2) (providing that when two courts issue a child support order but only one has continuing, exclusive jurisdiction under the Act, that court's order must be recognized).

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government was providing Cisilie and her children from their deadbeat father, Scotlund, who was not paying any support for the children. The Norwegian government was absorbing the costs.

In an attempt to recoup welfare money expended because of Scotlund's failure to support his family, Norway administratively issued a default minimum support order. This was not at Cisilie's request, but was done by the Norwegian government in an attempt to collect money it was owed.

This is analogous to American welfare departments seeking to establish an administrative entry necessary for intercepting a tax refund to recoup money expended for support of a child that a deadbeat father refused to pay. The Norwegian welfare determinations are valid ***in Norway*** for the purpose they were entered – to establish how much money is owed to the government should such money ever be attachable by that government. But it has nothing to do with what money Scotlund owes Cisilie under the 1998 child support order that he himself created and entered.

Had Scotlund actually paid the child support he was required to pay, the Norwegian government would have had no reason to support the Vaile children and no Norwegian welfare determination would have ever been issued, but that point is irrelevant to this case.

Scotlund's "estoppel" argument fails as a matter of law since Cisilie has never taken a contrary position to the one asserted in this action.

C. Cisilie Never Waived Child Support and Scotlund Was Never Prevented from Paying it

Scotlund knew that he was to pay child support; the obligation was in the order he crafted, signed, and filed in Nevada when he filed for divorce here. He just choose not to pay any support after the date he snatched the children in Norway. In these

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proceedings, however, Scotlund claims that Cisilie waived her child support because she did not ***ask*** that he pay it once the kidnaped children were recovered.

There is no law in Nevada (or anywhere else, to our knowledge) that supports the contention that the parental victim of such a kidnaping must ask for ordered child support or be found to have "waived" it. In fact, Nevada law is that child support arrears are not subject to a statute of limitations and are due and owing until paid.[44]

Additionally, NRS 125B.140 establishes that a child support order "is a judgment by operation of law on or after the date a payment is due. Such a judgment may not be retroactively modified or adjusted and may be enforced in the same manner as other judgments of this State."

The child support order at issue here was in effect from 1998, and all payments due under it became judgments on the date they were due and owing. They could not be retroactively modified by any action of either party and certainly could not be waived as contended by Scotlund.

It is worth reiterating that even if Cisilie ***had*** tried to pursue child support collection through Norway (which she didn't), and even if she ***had*** initiated the Norwegian welfare determination (which she didn't), it would still make no difference. Cisilie could only seek a ***modification*** of child support in the state where Scotlund resided – at various times either Virginia[45] or California. UIFSA applies to Cisilie as much as it applies to Scotlund.

The argument of "waiver" is simply without merit.

As to the claim of "prevention," Scotlund paid nothing in child support from April, 2002, to November, 2007 (when we first started garnishing small sums). Even if (as he now claims) he could not calculate the exact amount of child support due,

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[44] *See* NRS 125B.055.

[45] Scotlund was attending law school in Virginia during some of this time.

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he could have continued to pay the sums he unilaterally determined were owing for his children as he had been doing for years ***before*** he kidnaped the children. And he could have asked for any information he claimed to be lacking. He never did either.

Instead of paying his child support, Scotlund held jobs where he made in excess of $100,000 per year, went to law school, and spent money that should have gone to the support of his children on himself and others.

Had Scotlund paid something and complained that he tried to get information he needed for precise calculations but could not obtain it, he might have some semblance of a laches claim for the difference; however, when a person is on notice that child support is due and owing and pays nothing, no such claim is viable.[46]

If Scotlund is not forced to pay what is owed, he will simply continue to ignore the judgments and his responsibility to his children. Owing hundreds of thousands of dollars in back child support, he is a poster child for deadbeat dads. Incarceration for civil contempt, and criminal prosecution for criminal non-support, is long overdue.

The point as to this argument on appeal, however, is that Scotlund was not "prevented" from paying child support. His argument is meaningless.

D. The District Court Properly Maintained Previously Awarded Attorney's Fees

The remand did not address or affect the many previous awards of attorney's fees made in this case.[47] Scotlund's contention that Cisilie was not the "prevailing party" in her actions is nonsense.

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[46] *See Sheriff v. Vlasak*, 111 Nev. 59, 888 P.2d 441 (1995); *Epp v. State*, 107 Nev. 510, 814 P.2d 1011 (1991).

[47] *Vaile v. Porsboll*, 128 Nev. ___, 268 P. 3d 1272 (Adv. Op. No. 3, Jan 26, 2012).

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Again, Scotlund is deliberately misreading the Supreme Court's *Opinion.* The Supreme Court made no finding that Cisilie was not entitled to child support; quite the opposite, the Court agreed that child support was due and owing and mandated its recalculation in a fashion that caused the assessed arrearages to significantly increase. Cisilie was the prevailing party in all actions in the district court seeking child support from Scotlund, and attorney's fees may be awarded in a pre-or post-divorce motion under NRS 18.010(2) and NRS 125.150(3).[48]

Again reiteration appears necessary: NRS 125B.140 and the case law[49] ***require*** the Court to award attorney's fees when there are child support arrearages. At no time during the litigation in this case did Scotlund ***not*** owe huge amounts of child support, interest, and penalties.

The district court correctly saw no reason to reverse its previous awards based on the fact that Scotlund still owed massive arrearages and that number only increased upon remand.

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[48] *See Love v. Love*, 114 Nev. 572, 959 P.2d 523 (1998); *Wright v. Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1998); *Halbrook v. Halbrook*, 114 Nev. 1455, 971 P.2d 1262 (1998); *Korbel v. Korbel*, 101 Nev. 140, 696 P.2d 993 (1985); *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103 (1973); *Leeming v. Leeming*, 87 Nev. 530, 490 P.2d 342 (1971).

[49] *Edgington v. Edgington*, 119 Nev. 577, 80 P.3d 1282 (2003).

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E. Scotlund Still Owed Child Support During the Period He Had Abducted the Parties' Children

Almost unbelievably even for this litigant, Scotlund ***still*** argues that he should not have to pay child support for the period he held the children after he kidnaped them from Norway. The chutzpah is remarkable.[50]

The parties' agreement entered into in 1998 allowed for Scotlund to not pay support during "periods of his custody of the children." Of course, that provision applied to his visitation periods. The Supreme Court has already determined that Scotlund kidnaped the children from Norway and his custody of them for nearly two years was never legitimate.[51]

Scotlund was never the "residential parent" as he claims in his brief; he was the children's kidnaper and certainly can't be rewarded for having done so. Child support was due and owing during this period that he held the children and the district court did not err in so finding.[52] There was no modification of the 1998 *Decree* and its child support obligation as Scotlund never had legitimate custody of the children from the day he kidnaped them until the day they were recovered.

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[50] The classic definition of "chutzpah" – applicable here – is: "that quality enshrined in a person who, having killed his mother and father, throws himself on the mercy of the court because he is an orphan." *Williams v. Georgia*, 190 S.E.2d 785 (Ga. 1972) (*quoting* Leo Rosten, *The Joys of Yiddish*). English simply lacks an equivalent term for accurately describing this level of arrogance.

[51] *Vaile v. Eighth Judicial Dist. Court*, 118 Nev. 262, 44 P.3d 506 (2002).

[52] *See gen'ly Renshaw v. Renshaw*, 96 Nev. 541, 543, 611 P.2d 1070, 1071 (1980); *Day v. Day*, 80 Nev. 386, 395 P.2d 321 (1964); *Ballin v. Ballin*, 78 Nev. 224, 371 P.2d 32 (1962), addressing modifiability of child support obligations.

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F. The District Court Never Granted Scotlund Permission to Attend Evidentiary Hearings Telephonically

Again, Scotlund misrepresents the procedural history. Like other litigants, Scotlund originally had the right to file a notice of telephonic appearances at hearings that are authorized for telephonic appearances under court rules.

In 2008, Scotlund used a speaker phone for an appearance (which is prohibited) and then made claims that his "due process rights" had been "violated" because he (allegedly) could not clearly hear the proceedings over his phone. The district court – in an attempt to minimize future complaints – revoked Scotlund's telephonic appearance privileges unless he was represented by counsel.[53]

In 2012, after numerous hearings where Scotlund appeared in person, the district court reinstated Scotlund's ability to appear telephonically at those hearings at which telephonic appearances were permitted.[54] Of course, the district court did not waive or overrule the requirements of Supreme Court Rule Part IX-B(A) 4(2)(b)(2), which prohibits telephonic appearances in contempt hearings and other evidentiary proceedings absent explicit court orders saying otherwise.

Scotlund has been defending himself in this case for most of the 17 years it has been litigated. He is also a law school trained litigant with a JD from William and Lee University. He has passed the California bar exam (but can't pass the character and fitness screen due to his massive child support arrears and many other misdeeds). In other words, Scotlund is not some neophyte to the legal process. He understood at all times that he must comply with court orders and rules.

Scotlund had nearly three months to prepare for the scheduled evidentiary hearing. In violation of the Supreme Court Rule, he filed a "notice of telephonic

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[53] ROA, V10, pg. 2116, ln. 15-16.

[54] ROA, V25.

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appearance" three days before an evidentiary hearing when he knew full well he was required to testify and that one of the requested sanctions was incarceration.

The district court properly denied his request to appear telephonically. It was not the district court's fault that he had "little time" remaining to schedule his appearance, it was solely his. Scotlund ***could have*** filed his "notice" three months earlier and been told ***then*** that he could not appear at an evidentiary hearing telephonically. All his machinations were a calculated attempt to avoid appearing so as to avoid being placed in custody for his willful contempt of multiple court orders.

Scotlund argues that the district court was "biased" in not levying the same appearance requirements on Cisilie – even though Cisilie was not listed as a required witness and had no testimony to give on the subject of the hearing.

Scotlund now, after the fact, contends that he "needed her testimony" that he had directly paid some child support to her instead of through our offices as ordered by the district court way back in October 2008.[55] But those facts were stipulated; the fact that he sent some (trivial) sums to Cisilie was never in contention. In fact, Scotlund was warned in open court and in writing that any money that he sent to Cisilie directly would be treated as a gift since it was not in compliance with the court's requirement that he pay through our office; that order existed for over four years before this appeal was filed.[56]

The entire discussion is an attempted distraction; Scotlund never had permission to "attend" his contempt hearing telephonically, and he has been a fugitive from the resulting contempt orders and arrest warrant ever since.

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[55] ROA V18, pg. 3929, and ROA, V18, at pg. 4916.

[56] ROA, V19, pgs. 4282-4297.

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G. The District Court Did Not Err in Holding Scotlund in Contempt for Failing to Inform the Court of His Change in Employment

Scotlund tries to argue that his change in employment "has no bearing" on this case because Nevada lacks jurisdiction to modify the child support award. Of course, modification is not the only reason the court needs to have the information; there are several others.

First, under Scotlund's convoluted child support calculation that the Supreme Court required the district court to use, his income is an essential component.

Additionally, under EDCR 5.32 and EDCR 5.87, a current financial disclosure must be on file. Scotlund desired to keep his current employment secret to avoid having his child support adjusted in accordance with his child support formula and garnished.

Lastly, whether or not the Nevada courts could modify the child support order, an order to pay arrearages can be adjusted based on ability to pay. Since Scotlund's arrearages are so massive, the district court needed his financial disclosure to determine how much he should be paying to satisfy the arrearages.

Scotlund's claims that his employment is "totally irrelevant" is just wrong and his claim that there is "no requirement to inform opposing counsel of a change of employment" is also incorrect in light of the court rules.[57]

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[57] NRCP 16.2(b)(2)(C)(iii) and EDCR 5.32(b).

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H. Scotlund Violated the Court Order to File a Change of Address Within 30 Days

Scotlund's employment in a different state started on November 1, 2012, showing he had changed his address by that date, and he was under a valid court order to report any change of address within 30 days.[58] He did not do so.

Scotlund claims that he filed his change of address timely, but provides no evidence for his claim. Cisilie provided a document showing his employment start date, indicating his address had changed by that date. All Scotlund needed to do was produce some document that stated he started his employment on some other date, if he wanted to contest the factual matter; his employer could have certainly provided pay stubs or an affidavit to support his position, if it were so. He produced nothing because he could produce nothing to support his lie.

Of course, Scotlund claims that "no harm" was caused by his contempt for that particular court order. This fits with his world view that he does not have to obey any court order on any matter. What he just cannot seem to comprehend is that he is not entitled to make that determination.

Scotlund's claim that the order requiring him to report a change of address was "overturned by the Supreme Court" is false. There is no such order. The *Opinion*[59] only reversed the establishment of the sum certain child support and the arrearage calculation based thereon, and remanded for recalculation. There was no mention of any part of any other order being reversed or remanded. Scotlund's assertion is just (yet another) red hearing.

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[58] ROA, V11, pgs 2198 – 2225.

[59] *Vaile v. Porsboll*, 128 Nev. ___, 268 P. 3d 1272 (Adv. Op. No. 3, Jan 26, 2012).

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I. California's Temporarily Recognizing the Norwegian Welfare Determination Is Irrelevant to These Proceedings

As discussed at length earlier, the Nevada district court had already determined that the Norwegian welfare determination was not enforceable when Scotlund started his un-noticed, surreptitious filings in California. Four months later, an ill-informed California court recognized the Norwegian welfare determination in a rogue default order now awaiting reversal by the California Court of Appeal.

Scotlund argues that Nevada is required to accept the California order on the Constitutional grounds of full faith and credit – ignoring the fact that the California court was obligated to do exactly that as to the ***earlier*** Nevada judgment holding the Norwegian welfare order irrelevant, and would have done so if he had not hidden the fact of the Nevada litigation from that court.[60]

Scotlund committed a fraud on the California court by not telling the court that the issue was *res judicata* and by not notifying the court that the issues were still in litigation in Nevada when he filed his action there.[61] The California court did not have personal jurisdiction over Cisilie, lacked subject matter jurisdiction over the issue of child support, did not properly analyze UIFSA for a controlling order, and did not identify the failure to properly serve Cisilie.

All of these issues are the subject of the appeal in the First District Court of Appeals in California. Oral argument was held on February 24, 2015, and we fully expect the rogue default order to be reversed and the case dismissed for lack of jurisdiction.

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[60] *See, e.g., Estin v. Estin*, 334 U.S. 451 (1948); *Burdick v. Nicholson*, 100 Nev. 284, 680 P.2d 589 (1984).

[61] Scotlund was asked during oral argument in the California Court of Appeals, why he had filed in California when there was an active case in Nevada; he had no cogent answer.

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Regardless of the California proceedings, however, Nevada was already and remains in full litigation of these issues and has no obligation to consider or recognize a judgment from a sister state that improperly collaterally attacks a Nevada judgment.[62]

Scotlund's foray into California was nothing more than forum shopping. His own written statements made it clear to the Supreme Court – and now this Court – that he intends to run from court to court for as long as he is able to evade justice.

J. Scotlund Did Not Pay Child Support for the "11 Months"

The district court long ago ordered Scotlund to make all payments for child support not collected by the District Attorney through our offices.[63] The order had several bases, including an attempt to keep track of payments and to ensure that the payments were being made on time.

Scotlund loathed the fact that Cisilie was using some of that money to make payments against her attorney's fees, and has basically admitted trying to find a way to drive a wedge between Cisilie and her counsel. He started sending payments – in violation of the Order – directly to Cisilie in Norway.

Scotlund has always professed the belief that he can violate the orders of all courts with impunity; so far, he has been essentially correct – he has never been jailed for his nearly two decades of outright contempt of every court order entered against him. Scotlund was on notice that any payments sent directly to Cisilie would be

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[62] *See, e.g., Holdaway-Foster v. Brunell*, 130 Nev. ___, ___ P.3d ___ (Adv. Opn. No. 51, June 26, 2014); *Swan v. Swan*, 106 Nev. 464, 796 P.2d 221 (1990).

[63] ROA, V18, at 4916. The district court originally made that a requirement in an *Order* issued at a hearing on March 8, 2010. The order has never been rescinded or altered.

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considered gifts. This did not dissuade him and now he wants this Court to find that it was OK for him to ignore the orders of the district court. This Court should not indulge him.

Finally, Scotlund's claim that the Court "lacked jurisdiction" to order the child support payments to be paid through us based on the Supreme Court's *Decision*[64] is baseless; it says no such thing.

The Court actually said: "the fact that the parties and the children do not reside in the issuing state does not divest the issuing state of jurisdiction to enforce its support order when that order is the controlling order and has not been modified by another state in accordance with UIFSA." How and where to make those payments is part of the enforcement order.

K. No Attorney's Fees Awards Were Reversed (Reprise)

As detailed above, the district court did not reverse its several orders on attorney's fees as they were proper under the statutes and case law. We only repeat this "issue" as Scotlund has listed it in both appeals that were consolidated.

We ask the Court to refer to our argument at paragraph D above.

V. PROHIBITION OF FUTURE FILINGS AS A DETERRENT

We hope it is clear that these appeals filed by Scotlund (like all the prior ones) are in "bad faith and motivated by an improper or vexatious purpose" and should be dismissed in their entirety.

Scotlund has already caused the waste of many hundreds of thousands of dollars in fees and costs in courts around the world in his quest to find a forum that

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[64] *Vaile v. Porsboll*, 128 Nev. ___, 268 P. 3d 1272 (Adv. Op. No. 3, Jan 26, 2012).

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will applaud his kidnaping of the children. A further award of attorney's fees is unlikely to cause any greater motivation on his part than the million or so dollars in back support, fees, penalties, and sanctions that he continues to ignore to this day.[65] We would like him to finally be held accountable for payment of said fees and child support arrears.

In *Goad v. Rollins*,[66] the federal court was faced with a "relentless" litigant much like Scotlund. Mr. Goad fought contempt at every turn, even trying to sue the judge who found him in contempt (and his bailiff), the jailors who held him, and the friend who had loaned his ex-wife the filing fee to get to court. Eventually, his case was dismissed with prejudice, monetary sanctions in favor of all those he sued were assessed against him and he was forbidden from filing anything on any subject involving the underlying state claim without permission in advance from the district or appellate courts.[67]

The noted citation was just one of many orders entered against Mr. Goad – as we have seen with Scotlund throughout the various courts that have rendered decisions against him.[68] Like Scotlund, Mr. Goad went on, and on, and the cases

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[65] Undersigned counsel has already written off far more in fees than has been awarded from (but unpaid by) Scotlund; as our client is impecunious, we have gone unpaid for our representation to recover the abducted children, and all litigation since then, for about 15 years.

[66] 921 F.2d 69 (5th Cir.), *cert. denied*, 500 U.S. 905, 111 S. Ct. 1684 (1991).

[67] *Id.; see also Castro v. United States*, 775 F.2d 399, 408 (1st Cir. 1985); *Pavilonis v. King*, 626 F.2d 1075, 1079 (1st Cir.), *cert. denied* 449 U.S. 829, 66 L. Ed. 2d 34, 101 S. Ct. 96 (1980) (Federal courts plainly possess discretionary powers to regulate the conduct of abusive litigants).

[68] *See Goad v. United States*, 661 F. Supp. 1073 (S.D. Tex. 1987) (sanctioning Goad $4,748.40 and directing that no further causes of action be filed until the

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bounced up and down the federal courts for years.[69] In a third appeal in the Federal Circuit, the Court reviewed Goad's brief, and then agreed with the United States that Goad's appeal was frivolous. The Court dismissed the appeal and then stated that "we deem it proper to impose another sanction imposed by other courts, namely that Goad may not file any additional appeal or action in this court without first seeking leave of this court to do so."[70]

The Nevada Supreme Court has ruled similarly in *Jordan v. State ex rel. Dept. of Motor Vehicles*,[71] when it opined that "the district court did not abuse its discretion when it declared Luckett a vexatious litigant and limited his court access accordingly."

In this twentieth court case since Scotlund kidnaped the children in May, 2000, the same order is certainly appropriate here. In the absence of affirmative intervention by this Court, Scotlund will almost certainly continue his resource-consuming trek throughout the court systems of the United States – presumably indefinitely. This clearly is a violation of all rules meant to regulate the actions of decent persons, including NRCP 11. Such rules have no impact whatsoever on Scotlund.

It is respectfully requested that this Court issue a "Goad" order, prohibiting Scotlund from filing any further papers, in this or any other Nevada Court, addressing

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sanction was paid); *Goad v. United States*, 837 F.2d 1096 (Fed. Cir. 1987) (on appeal, affirming the district court's sanction award).

[69] *See Goad v. United States*, 1992 U.S. App. LEXIS 18603, 1992 WL 190516 (Fed. Cir. Aug. 12, 1992).

[70] *Goad v. United States*, 2000 U.S. App. LEXIS 20189 (No. 00-5063, July 21, 2000).

[71] 121 Nev. 44, 110 P.3d 30 (2005).

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the subject matter at issue until he satisfies the support arrears, attorney's fees and sanctions assessed against him by the Eighth Judicial District Court for his prior contemptuous behavior, and surrenders for punishment in accordance with the prior finding of contempt.

VI. CONCLUSION

The bottom line to this case is that the Norwegian welfare determination is unenforceable in any way, anywhere, except internally in Norway. With that in mind, Scotlund's entire argument, position, and assertions fail.

Scotlund's filings are rife with inaccuracies, tortured readings of the law and record, and outright lies. He continues to forum shop to avoid paying the child support and fees he has owed for nearly two decades.

We have experienced Scotlund's underhanded and deceitful ways for the entirety of this case as he has run from place to place. It is worth reiterating here the observation and suggestion of one federal judge who saw Scotlund for a short period of time, "got it" and stated: "As far as this court is concerned, the state family law court can lock Robert Vaile up and throw away the key, but it must be for failure to pay support and not failure to pay the federal tort judgment."[72]

It is far past time that the suggested course of action occur. Multiple federal and State courts have found Scotlund to be a fraud, cheat, kidnapper, and liar.[73] It is

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[72] *Vaile v. Porsboll*, Case No. 08-11135 & AP No. 10-01081, California Bankruptcy Court.

[73] *Vaile v. Eighth Judicial Dist. Court ex rel. County of Clark*, 118 Nev. 262, 44 P.3d 506 (2002) ("The district court, however, relied upon Scotlund's untruthful representation when it issued its orders granting him custody of the children"); *see also* Findings of Fact in Federal tort suit, ROA, V15, pgs. 3472-3474.

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preposterous that the Court should believe anything Scotlund offers without clear and convincing evidence, and he offers none in this appeal.

The Supreme Court had originally ordered that we not have to file any responding papers in these two consolidated appeals. We believe that is because they have had to deal with 13 separate appeals in this case, numerous writs, and untold number of motions, where they learned the facts and behaviors of Mr. Robert Scotlund Vaile. They needed no further information to rule on this case.

We completely understand that this Court is getting its first taste of the duplicity and expense Scotlund has caused. We ask that the Court when making its final decision consider adding Scotlund to the State's vexatious litigant list. This will aid us in this State and elsewhere to keep the spurious filings to a minimum while we continue to finally bring Scotlund to justice.

The appeals should be dismissed, with costs assessed to Scotlund, who should be listed as a vexatious litigant. A *Goad* order requiring specific permission to make any further filings anywhere in Nevada should be entered. The district attorney's office should be directed to immediately begin prosecution for felony non-support. And the orders appealed from should be specifically affirmed.

Respectfully submitted,

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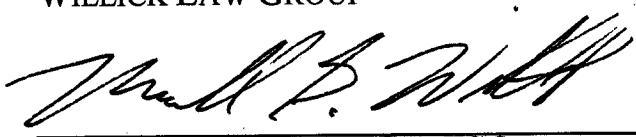

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CERTIFICATE OF COMPLIANCE PURSUANT TO NRAP 28.2

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

[X] This brief has been prepared in a proportionally spaced typeface using WordPerfect Office X3, Standard Edition in font size 14 and type style Times New Roman; or

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2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

[X] Proportionately spaced, has a typeface of 14 points or more and contains **9,873** words; or

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3. *Finally,* I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the

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accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 3rd day of March, 2015.

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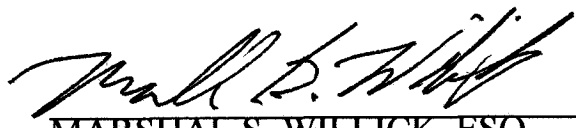

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILLICK LAW GROUP and that on this 31st day of March, 2015, documents entitled *RESPONDENT'S DIRECTED RESPONSIVE BRIEF* were filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows, to the attorney's listed below at the address, email address, and/or facsimile number indicated below:

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